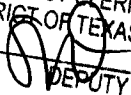


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

APR 12 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

GATEHOUSE WATER, LLC, §
PLAINTIFF, §
V. §
§
§
§
§
LOST PINES GROUNDWATER §
CONSERVATION DISTRICT, §
MICHAEL TALBOT, SHERIL SMITH, §
MICHAEL SIMMANG, DAVID §
FLEMING, HERBERT COOK, LARRY §
SCHATTE, KAY ROGERS, PHIL COOK, §
BILLY SHERRILL, CARL STEINBACH, §
MELISSA COLE, THOMAS ARSUFFI, §
AND ELVIS HERNANDEZ, §
DEFENDANTS. §

CAUSE NO. 1:22-CV-00132-LY

ORDER ON REPORT AND RECOMMENDATION

Before the court is Plaintiff GateHouse Water LLC's ("GateHouse") Motion for Partial Summary Judgment (Doc. #76) and all related briefing, which was referred to the United States Magistrate Judge for a Report and Recommendation. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72; Loc. R. W.D. Tex. App'x C, R. 1(d). The magistrate judge rendered a Report and Recommendation on January 31, 2023 (Doc. #76), recommending that the court deny GateHouse's motion.

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within 14 days after being served with a copy of the report and recommendation and thereby secure *de novo* review by the district court. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed

factual findings and legal conclusions accepted by the district court. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

Gatehouse filed objections to the Report and Recommendation on February 14, 2023 (Doc. #77). Defendants responded to GateHouse's objections on February 27, 2023 (Doc. #78). In light of the objections, the court will undertake a *de novo* review of the record and applicable law in this case.

GateHouse makes seven objections related to the magistrate judge's determination that GateHouse failed to establish as a matter of law that the Lost Pines Groundwater Conservation District did not have the authority to determine the validity of the contract at issue, impose Special Condition 8 in the permits at issue, or otherwise enforce the condition. GateHouse re-urges many of the same arguments raised in briefing the motion. Having considered the objections, briefing, applicable law, and entire case file, the court agrees with the magistrate's analysis and will approve and accept the Report and Recommendation for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that Plaintiff GateHouse Water, LLC's objections to the Report and Recommendation (Doc. #77) are **OVERRULED**.

IT IS FURTHER ORDERED that the United States Magistrate Judge's Report and Recommendation (Doc. #76) filed in this cause is **APPROVED** and **ACCEPTED**.

IT IS FURTHER ORDERED that Plaintiff GateHouse Water, LLC's Motion for Partial Summary Judgment (Doc. #76) is **DENIED**.

SIGNED this 12th day of April, 2023.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE